



February 13, 2004

ENGROSSED HOUSE BILL No. 1435

DIGEST OF HB 1435 (Updated February 11, 2004 3:53 pm - DI 87)

Citations Affected: IC 8-22; noncode.

Synopsis: Airport authority boards. Increases the size of the Indianapolis Airport Authority board from seven to eight voting members. Provides that the mayor of Indianapolis appoints the additional member. Adds a nonvoting advisory member to the board who is from a county located not more than 1200 feet from the Indianapolis International Airport.

Effective: July 1, 2004.

Behning, Mahern, Foley

(SENATE SPONSORS — BRAY, BREAUX)

January 20, 2004, read first time and referred to Committee on Local Government.

January 29, 2004, amended, reported — Do Pass.

February 4, 2004, read second time, ordered engrossed. Engrossed.

February 5, 2004, read third time, passed. Yeas 90, nays 3.

SENATE ACTION

February 9, 2004, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

February 12, 2004, amended, reported favorably — Do Pass.

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EH 1435—LS 7367/DI 75+



February 13, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1435

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-22-3-4.1, AS AMENDED BY P.L.170-2002,
2 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 4.1. (a) This section applies only to the board of
4 an airport authority established for a county having a consolidated city.

5 (b) The board consists of members appointed as follows:

6 (1) The mayor of the consolidated city shall appoint ~~five (5)~~ **six**
7 **(6)** members. Each member appointed under this subdivision
8 must be a resident of the county having the consolidated city.

9 (2) The board of commissioners of the county having the
10 consolidated city shall appoint one (1) member. The member
11 appointed under this subdivision must be a resident of the county
12 having the consolidated city.

13 (3) The county executive of each Indiana county that fulfills all of
14 the following requirements shall each appoint one (1) member:

15 (A) The county is adjacent to the county having the
16 consolidated city.

17 (B) The county has a population of more than one hundred

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thousand (100,000) but less than one hundred five thousand (105,000).

(C) The authority owns real property in the county.

The county executive of a county represented on the board under this subdivision may not appoint an advisory member under section 4(e) of this chapter.

Not more than ~~three (3)~~ **four (4)** members appointed under subdivisions (1) and (2) may be members of the same political party.

(c) At least one (1) member of the board appointed under subsection (b)(1) must also be a resident of a township that:

(1) is located in the county having the consolidated city; and

(2) has a population of:

(A) less than twenty-five thousand (25,000); or

(B) more than one hundred thirty-three thousand (133,000) but less than one hundred fifty thousand (150,000).

(d) A member of the board appointed under subsection (b)(3) must be a resident of a township:

(1) located in the county making the appointment; and

(2) having a population of more than twenty thousand (20,000) but less than twenty-five thousand (25,000).

(e) The county executive of a county that is not otherwise represented on the board and that is located not more than one thousand two hundred (1,200) feet from a certified air carrier airport that is owned or operated by the authority may appoint one (1) advisory member to the board. An advisory member appointed under this subsection:

(1) must be a resident of:

(A) the county making the appointment; and

(B) one (1) of the two (2) townships in the county located nearest to the airport;

(2) may not vote on any matter before the board;

(3) serves at the pleasure of the appointing authority; and

(4) serves without compensation or payment for expenses.

~~(e)~~ **(f)** A member of the board holds office for four (4) years and until the member's successor is appointed and qualified.

~~(f)~~ **(g)** If a vacancy occurs in the board, the authority that appointed the member that vacated the board shall appoint an individual to serve for the remainder of the unexpired term.

~~(g)~~ **(h)** A board member may be reappointed to successive terms.

~~(h)~~ **(i)** A board member may be impeached under the procedure provided for the impeachment of county officers.

~~(i)~~ **(j)** A board member appointed under subsection (b)(3) may not

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1 vote on a matter before the board relating to imposing, increasing, or
2 decreasing property taxes in the county having the consolidated city.

3 SECTION 2. [EFFECTIVE JULY 1, 2004] (a) **This SECTION**
4 **applies only to the board of an airport authority established for a**
5 **county having a consolidated city.**

6 (b) **Before January 1, 2005, the mayor of the consolidated city**
7 **shall appoint one (1) additional member of the board as required**
8 **by IC 8-22-3-4.1(b)(1), as amended by this act.**

9 (c) **An individual appointed under subsection (b) takes office**
10 **January 1, 2005.**

11 (d) **This SECTION expires January 1, 2006.**

12 SECTION 3. [EFFECTIVE JULY 1, 2004] **The general assembly**
13 **finds that the noise caused by aircraft departing from and landing**
14 **at a certified air carrier airport that is owned or operated by the**
15 **Indianapolis Airport Authority is a concern to persons residing**
16 **outside of Marion County and within auditory proximity of the**
17 **airport. In order to address the concerns of these residents, the**
18 **general assembly finds that it is appropriate to appoint to the**
19 **board of the Indianapolis Airport Authority (described in**
20 **IC 8-22-3-4.1, as amended by this act) a member from a county,**
21 **described in IC 8-22-3-4.1(e), as amended by this act, that is**
22 **located in close auditory proximity to a certified air carrier airport**
23 **described in this SECTION.**

24 SECTION 4. [EFFECTIVE JULY 1, 2004] (a) **This SECTION**
25 **applies only to the board of an airport authority established for a**
26 **county having a consolidated city.**

27 (b) **Before January 1, 2005, the county executive of each county**
28 **described in IC 8-22-3-4.1(e), as added by this act, may appoint an**
29 **advisory member of the board as provided by IC 8-22-3-4.1(e), as**
30 **added by this act.**

31 (c) **An individual appointed under subsection (b) takes office**
32 **January 1, 2005.**

33 (d) **This SECTION expires January 1, 2006.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1435, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete line 25, begin a new line block indented and insert:

"(1) must be a resident of:

(A) the county making the appointment; and

(B) a township with a population of more than seven thousand (7,000) but less than seventeen thousand (17,000);".

and when so amended that said bill do pass.

(Reference is to HB 1435 as introduced.)

MOSES, Chair

Committee Vote: yeas 12, nays 0.

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SENATE MOTION

Madam President: I move that Senator Breaux be added as cosponsor of Engrossed House Bill 1435.

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COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred House Bill No. 1435, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 21 through 32, begin a new paragraph and insert:

"(e) The county executive of a county that is not otherwise represented on the board and that is located not more than one thousand two hundred (1,200) feet from a certified air carrier airport that is owned or operated by the authority may appoint one (1) advisory member to the board. An advisory member appointed under this subsection:

(1) must be a resident of:

(A) the county making the appointment; and

(B) one (1) of the two (2) townships in the county located nearest to the airport;

(2) may not vote on any matter before the board;

(3) serves at the pleasure of the appointing authority; and

(4) serves without compensation or payment for expenses."

Page 3, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2004] The general assembly finds that the noise caused by aircraft departing from and landing at a certified air carrier airport that is owned or operated by the Indianapolis Airport Authority is a concern to persons residing outside of Marion County and within auditory proximity of the airport. In order to address the concerns of these residents, the general assembly finds that it is appropriate to appoint to the board of the Indianapolis Airport Authority (described in IC 8-22-3-4.1, as amended by this act) a member from a county, described in IC 8-22-3-4.1(e), as amended by this act, that is located in close auditory proximity to a certified air carrier airport described in this SECTION."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1435 as printed January 30, 2004.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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